

REMARKS

Claims 1-9 and 11-14 are pending in this application. By this Amendment, Figs. 1-6 are corrected, the specification is amended, claims 1-9, 11 and 12 are amended, claims 13 and 14 are added and claim 10 is canceled. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicants respectfully submit that the Office Action did not consider the Preliminary Amendment filed on September 16, 2003, which removed all multiple dependencies.

I. The Drawings Satisfy All Formalities

The Office Action objects to Figs. 1 and 2 for not designating by legend that which is old. Accordingly, Figs. 1 and 2 are corrected by adding the legend "PRIOR ART." Withdrawal of this objection to the drawings is respectfully requested.

Figs. 3-6 are objected to because the cross-sectional shading for the elastic element does not show that the elastic element comprises an elastic material. Accordingly, Figs. 3-6 are corrected. Withdrawal of this objection to the drawings is respectfully requested.

II. The Specification Satisfies All Formal Requirements

The Office Action objects to the Abstract because it allegedly contains legal phraseology and it is too long. Accordingly, the Abstract is replaced with a substitute Abstract.

The Office Action objects to the specification because it is unclear what is meant by the description of "Sh_A." To overcome the objection, the specification is amended to clarify that "Sh_A" is an abbreviation for "Shore A hardness."

The Office Action objects to the title of the invention for allegedly not being descriptive. To overcome the objection, the title is amended to clearly indicate the invention to which the claims are directed.

Withdrawal of these objections is thus respectfully requested.

III. The Specification Satisfies 37 C.F.R. §1.77(b)

The Office Action objects to the specification for not including section headings. Accordingly, the specification is amended to include section headings. Withdrawal of this objection is respectfully requested.

IV. The Claims Satisfy All Formalities

The Office Action objects to claims 1-6 for not beginning with an article. Accordingly, the claims are amended to include articles. Withdrawal of this objection is respectfully requested.

V. Claims 7-12 Satisfy 37 C.F.R. §1.75(c)

The Office Action objects to claims 7-12 under 37 C.F.R. §1.75(c) as allegedly being in improper form because a multi-dependent claim cannot depend from another multi-dependent claim. Applicants respectfully traverse this objection. The Preliminary Amendment filed on September 13, 2003 along with the application amends claims 7-12 to remove multi-dependencies in the claims. Withdrawal of this objection is respectfully requested.

VI. The Claims Satisfy 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-6 under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Specifically, the Office Action rejects claim 1 for the recitations of "fashion," "an elastic element," "the first component," and "means." Accordingly, claim 1 is amended to be definite.

The Office Action rejects claim 2 for recitation of "or." Accordingly, claim 2 is amended to be definite.

The Office Action rejects claim 3 for recitation of "the body." Accordingly, claim 3 is amended to be definite.

The Office Action rejects claim 4 for recitation of "material." Accordingly, claim 4 is amended to be definite.

The Office Action rejects claim 5 for recitation of "50 Sh_A" and for "probably approximately 10 Sh_A to 30 Sh_A." Accordingly, claim 5 is amended to be definite.

Claim 6 is rejected for recitation of "and/or." Accordingly, claim 6 is amended to be definite.

Withdrawal of this rejection is respectfully requested.

VII. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-4 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,235,049 to Marinoni et al. in view of U.S. Patent No. 3,775,907 to Weaver et al; and claims 5 and 6 under 35 U.S.C. §103(a) as allegedly being unpatentable over Marinoni in view of Weaver et al. as applied to claims 1-4 above.

Applicants respectfully submit that none of the applied references teach, suggest or disclose a cover device for a dividing element that includes a cover panel that comprises a connecting element on the upper side that corresponds to the upper securing element of the profiled element and a securing rib on the lower side that is holding an elastic element which comprises a body with a groove for receiving the securing rib of the cover panel and a latching element that can be latched to and released from the lower securing element of the profiled element, and which the body is undetachably connected to a sealing lip which presses against the door panel after the latching element latches in, as recited in amended claim 1.

The Office Action asserts on page 7 that Marinoni discloses "a device for connecting a first component 16 to a second component 36 in a positive locking but detachable fashion, and for sealing a joint region between the first component 16 and the third component 2 which is connected to the second component 36, characterized in that an element 46 is provided which has a groove 50 for receiving a securing rib 64 which is provided on the first

component 16, a latching element 43 which can be connected in a positively locking fashion to the second component 36 by means of pressure force, and a sealing lip 58 which presses against the third component 2 after the latching element latches in." Applicants respectfully traverse this assertion.

Instead, Marinoni discloses an edge fitting assembly for a panel that includes blocks 8, 10, which are adhesively fastened to each other and to the glass panel 2. The blocks are fastened between two bars 16, 18, of identical cross section, by means of screws 20 that pass from the outer, wide face of each bar through oversized, smooth bores 22 (in the bars 16, 18) into tapped bores 24 (in the block parts 4, 6) in the assembled condition of the device. See e.g., Marinoni, col. 2, lines 13-28. Thus, elements 8, 10, 16, 18 firmly hold a door panel.

These elements 8, 10, 16, 18 are concealed by covers 36, 38 with upper and lower flange portions 40, 42 that envelop the corresponding edge flanges of the bars 16, 18, whereas the web portions envelope the wide, outer longitudinal faces of the bars 16, 18. In order to mount and seal the covers 36, 38, the strips 43, 44 of sheet material, which are coated with pressure sensitive adhesive on both faces, are attached to the inner faces of the covers 36, 38. Sections 46, 48 of the extruded aluminum rod are attached to the flanges 40, 42 by the adhesive. The resilient sealing strips 58 engage the glass panel 2 in an assembled door, which are held in rectangular longitudinal grooves 54 that are provided in the rods 46. The locking rod 64 of flexible plastic which has a longitudinal slot 68, is held in longitudinal semicircle grooves 50 that are provided in the rod 46. Thus, Marinoni is created at a greater cost and assembled with greater effort than the above-identified apparatus of the application.

The single elastic element recited in amended claim 1, fulfills the functions of the strips 43, 44 of sheet material, coated with pressure sensitive adhesive; the sections 46, 48 of extruded aluminum rod; the resilient sealing strips 58 and the locking rod 64 of Marinoni. These individual elements of Marinoni include different materials and thus, require time

consuming assembly. Instead of the strips 43, 44 of the sheet material coated with pressure sensitive adhesive of Marinoni, the groove and the elastic element recited in claim 1 receives the securing rib of the cover panel. Instead of sections 46, 48 of extruded aluminum rod of Marinoni, the body of elastic recited in claim 1 performs a similar function. Further, the sealing lip recited in amended claim 1 is undetachably connected to the body. Instead, the resilient sealing strips 58 of Marinoni are held in a rectangular, longitudinal grooves 54 in an aluminum rod. Further, the latching element on the body of the elastic element recited in claim 1 is different from the individual locking rod 64 of Marinoni. Thus, a single elastic element is used for connecting and sealing the covers. Further, the cover device can be produced at a far lower cost amount and in a far shorter time than the device disclosed in Marinoni.

The Office Action asserts on page 7 that Marinoni is silent "concerning the element comprising elastic material." However, the Office Action further asserts that Weaver makes up for this deficiency. Applicants respectfully disagree with this assertion.

The Office Action asserts on page 8 that Weaver discloses an elastic element "comprising a firm base 15 and a compressible sealing element 16 wherein the base and the sealing element 16 comprise one piece." Applicants respectfully disagree with this assertion.

Weaver does not teach, disclose or suggest a weather seal that comprises a sealing lip as recited in amended claim 1. Instead, Weaver discloses a weather seal that is not used for mounting an element such as a cover. Further, the weather seal is used for sealing a glass window that is opened and closed. Thus, the compressible element 16 disclosed by Weaver serves for providing a seal against the top of a movable window.

Marinoni discloses the sealing resilient strips 58 that are used to provide a seal. However, the compressible element 16 disclosed by Weaver is used for sealing purposes in a different way and would be used for connecting purposes. Therefore, it would not be obvious

to one of ordinary skill in the art to combine the device Marinoni with the elastic element Weaver.

VIII. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 and 11-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:
Replacement Sheets
Substitute Abstract

Date: October 28, 2004

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

Amendments to the Drawings:

The attached replacement drawing sheets make changes to Figs. 1-6 and replaces the original sheets.

Attachment: Replacement Sheets